

U.S. Patent Application Serial No. **10/030,185**
Amendment filed October 19, 2004
Reply to AA dated September 1, 2004 and
FOA dated May 19, 2004

REMARKS

Claims 1-3, 5-6, 9-11 and 13-19 are pending in the application. Claims 4, 7-8 and 12 have been canceled without prejudice or disclaimer.

Applicants wish to thank the Examiner for the indication of allowable subject matter if inappropriate matter is deleted from the claims to make them clear in the telephone interview with the Examiner on October 8, 2004. Accordingly, claim 18 has been further amended to delete the first occurrence of L^2 in claim 18 in according with the Examiner's suggestion.

The Examiner asserted that in claim 18, I-1 could be the same as I-2 when X^9 and X^{10} are H and both I-1 and I-2 could be the same as I-4 if all X groups were H. However the basic skeleton of I-1 is phenanthrene, I-2 is 9, 10-dihydrophenanthrene, and I-4 is decahydrophenanthrene and even if corresponding X were H, I-1 could not be I-2, and both I-1 and I-2 could not be I-4. Therefore, the Examiner's concern is moot.

For completeness, the remainder of this response is the same as that filed on August 19, 2004.

Claims 1, 18 and 19, have been amended to remove ring A and L^1 from Formula I. Claims 2, 3, 5-7, and 9-11, have been amended to be consistent therewith.

No new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **May 19, 2004**.

In view of the amendments to the claims and remarks set forth below, further and favorable

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consideration is respectfully requested.

I. Claims 1-6, 9-11 and 13-19 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that claim 1 is vague because in essence, if $m=0$ then ring A and L^1 no longer exist.

Claims 1, 18 and 19, have been amended to remove ring A and L^1 from Formula I. Claims 2, 3, 5-7, and 9-11, have been amended to be consistent therewith.

The Examiner further states with regard to claims 6 and 9-11, that the language “ring B represents (I-3) or (I-4) which may be substituted with a halogen” is vague because when ring B represents (I-3) in claim 1, the compounds are limited to the formulas listed in Claim 1, and thus the compound substituted with a halogen in Claim 4 is broader than Claim 1.

Responsive to the foregoing, claim 4 has been canceled and claims 6, 9, and 11 have been amended to delete the language “which may be substituted with a halogen”.

It is submitted that claims 1-6, 9-11 and 13-15 as amended, are now clear and definite within the meaning of 35 USC § 112, second paragraph. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

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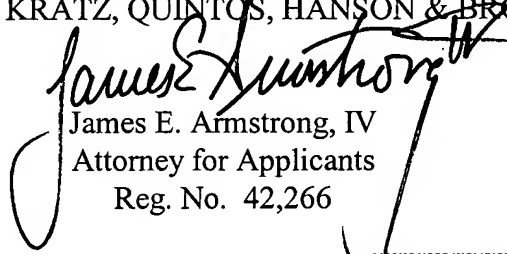
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosure: Petition for Extension of Time

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